

claimant. She barely touched her as she moved past claimant to get away from the claimant. The record contains other evidence that challenges claimant's credibility. The ALJ observed the testimony of claimant and the coworker. He believed the coworker. The Board gives some deference to the ALJ's evaluation of credibility for witnesses who testify before the ALJ. After reviewing the evidence and giving some deference to the ALJ's determination on credibility, the Board concludes the ALJ's Order should be affirmed. The Board finds claimant was not injured in this dispute and therefore has not proven she suffered injury that arose out of and in the course of employment.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge John D. Clark on February 28, 2000, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of April 2000.

BOARD MEMBER

c: Michael Snider, Wichita, KS
Larry D. Shoaf, Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director